

Chapter 14. Standards for Owners and Operators of Hazardous Waste Transfer, Treatment, Storage, and Disposal Facilities

Article 1. General

§66264.1. Purpose, Scope and Applicability.

(a) The purpose of this chapter is to establish minimum standards which define the acceptable management of hazardous waste.

(b) The standards in this chapter apply to owners and operators of all facilities which transfer, treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this chapter or chapters 11, 12 or 13 of this division.

(c) The requirements of this chapter apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Federal Marine Protection, Research, and Sanctuaries Act (33 U.S.C. section 1401, et seq.) only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division. Such person shall comply with the requirements of chapter 14 of this division when transferring, treating or storing hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.

(d) (Reserved)

(e) The requirements of this chapter apply to the owner or operator of a POTW which transfers, treats, stores, or disposes of hazardous waste only to the extent they are included in a permit by rule granted to such a person under chapter 20 of this division.

(f) (Reserved)

(g) The requirements of this chapter do not apply to:

(1) (reserved);

(2) the owner or operator of a facility managing recyclable materials described in section 66261.6(a)(2)(B) of this division (except to the extent they are referred to in article 8 of chapter 16 of this division);

(3) a generator accumulating waste on-site in compliance with section 66262.34 of this division;

(4) a farmer disposing of waste pesticides from the farmer's own use in compliance with section 66262.70 of this division;

(5) (reserved);

(6) (reserved);

(7) (reserved);

(8)(A) except as provided in subsection (g)(8)(B) of this section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

1. a discharge of a hazardous waste;

2. an imminent and substantial threat of a discharge of hazardous waste;

3. a discharge of a material which, when discharged, becomes a hazardous waste;

(B) an owner or operator of a facility otherwise regulated by this chapter shall comply with all applicable requirements of articles 3 and 4 of this chapter;

(C) any person who is covered by subsection (g)(8)(A) of this section and who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this chapter and chapter 21 of this division for those activities;

(D) In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition. For the purposes of this subsection, the term "military munitions" is as defined in 40 Code of Federal Regulations section 260.10. The requirements of this subsection apply only to military munitions that are regulated under the federal act, as defined in Health and Safety Code section 25115.1;

(9) a transporter storing manifested shipments of hazardous waste in containers at a transfer facility, or a transfer facility storing manifested shipments of hazardous waste in containers, for six days or less, or 10 days or less for transfer facilities in areas zoned industrial by the local planning authority, and meeting the requirements of sections 66262.30 and 66263.18;

(10) the addition of absorbent material to waste in a container (as defined in section 66260.10 of this division) or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 66264.17(b), 66264.171, and 66264.172 are complied with;

(11) persons managing hazardous waste in a hazardous waste management unit not subject to 40 Code of Federal Regulations Part 264 (incorporated by reference in section 66260.11 of this division) pursuant to an exemption in 40 Code of Federal Regulations Section 264.1(g), if the waste managed in that unit is identified as a hazardous waste solely because it exhibits the characteristic of toxicity set forth in section 66261.24(a)(1) of this division.

(12) Persons who manage universal waste. These persons are subject to regulation under chapter 23 when managing universal wastes listed in section 66261.9 of this division.

(h) The requirements of this chapter apply to owners or operators of all facilities that transfer, treat, store, or dispose of hazardous wastes referred to in chapter 18 of this division.

NOTE: Authority cited: Sections 25141, 25150, 25150.6, 25159, 25219.1 and 58012, Health and Safety Code.

Reference: Sections 25115.1, 25118, 25141, 25159, 25159.5, 25219, 25219.1 and 25219.2, Health and Safety Code;

40 Code of Federal Regulations_Sections 260.10 and 264.1.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Change without regulatory effect amending subsections (b) and (g)(9) filed 4-3-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 14).
3. Change without regulatory effect adding new subsection (g)(2) filed 6-12-97 pursuant to section 100, title 1, California Code of Regulations (Register 97, No. 24).
4. New subsections (g)(12)-(g)(12)(C) and amendment of Note filed 3-6-2000 as an emergency; operative 3-6-2000 (Register 2000, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2000 or emergency language will be repealed by operation of law on the following day.
5. New subsections (g)(12)-(g)(12)(C) and amendment of Note refiled 6-29-2000 as an emergency; operative 7-6-2000 (Register 2000, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-3-2000 or emergency language will be repealed by operation of law on the following day.
6. New subsections (g)(12)-(g)(12)(C) and amendment of Note refiled 11-1-2000 as an emergency; operative 11-4-2000 (Register 2000, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-5-2001 or emergency language will be repealed by operation of law on the following day.
7. New subsections (g)(12)-(g)(12)(C) and amendment of Note refiled 3-6-2001 as an emergency; operative 3-6-2001 (Register 2001, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-2001 or emergency language will be repealed by operation of law on the following day.
8. New subsections (g)(12)-(g)(12)(C) and amendment of Note refiled 6-26-2001 as an emergency; operative 7-5-2001 (Register 2001, No. 26). A Certificate of Compliance must be transmitted to OAL by 11-2-2001 or emergency language will be repealed by operation of law on the following day.
9. New subsections (g)(12)-(g)(12)(C) and amendment of Note refiled 11-2-2001 as an emergency; operative 11-3-2001 (Register 2001, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-4-2002 or emergency language will be repealed by operation of law on the following day.
10. Certificate of Compliance as to 11-2-2001 order, including further amendment of Note, transmitted to OAL 12-27-2001 and filed 2-8-2002 (Register 2002, No. 6).
11. Amendment of subsection (g)(12), repealer of subsections (g)(12)(A)-(C) and amendment of subsection (h) filed 2-3-2003; operative 2-3-2003 (Register 2003, No. 6).
12. Amendment of Note filed 2-13-2003; operative 3-15-2003 (Register 2003, No. 7).
13. Change without regulatory effect adding subsection (g)(8)(D) and amending subsection (g)(11) and Note filed 4-13-2007 pursuant to Health and Safety Code section 25159.1 (Register 2007, No. 15).
14. New subsection (d) and amendment of subsection (g)(12) filed 2-4-2009; operative 2-4-2009 (Register 2009, No. 6).

§66264.2. Compliance Schedule for Permit Modifications.

The owner or operator of a hazardous waste facility who has received a hazardous waste facility permit on or before the effective date of this division and who is required to comply with the provisions of this chapter, shall submit a permit modification request pursuant to chapter 20, article 4 of this division to the Department within 180 days of July 1, 1991. The modification request shall describe the exact change(s) to be made to the facility to comply with the provisions of this chapter. The owner or operator of such a facility shall implement the approved modification(s) according to a schedule of compliance established by the Department.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25150, 25159 and 25200, Health and Safety Code.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).

§66264.3. Relationship to Interim Status Standards.

A facility owner or operator who has fully complied with the requirements for interim status, as defined in Health and Safety Code section 25200.5 and regulations under section 66270.70, shall comply with the regulations specified in chapter 15 of this division in lieu of the regulations in this chapter, until final administrative disposition of the facility's permit application is made, except as provided under article 15.5 of this chapter.

NOTE: Authority cited: Sections 58012 of the Governor's Reorganizational Plan # 1 of 1991, 25150, 25159, 25187, 25200.10, 25358.9, 58004 and 58012 Health and Safety Code. Reference: Sections 25159, 25159.5, 25187, 25200, 25200.10, 25355.5, 25356.9, 25358.3 and 25358.9 Health and Safety Code; 40 CFR Section 264.3.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).
2. Amendment of section and Note filed 12-23-93 as an emergency; operative 12-23-93 (Register 93, No. 52). A Certificate of Compliance must be transmitted to OAL by 5-9-94 or emergency language will be repealed by operation of law on the following day.
3. Amendment of section and Note refiled 4-25-94 as an emergency; operative 4-25-94 (Register 94, No. 17). A Certificate of Compliance must be transmitted to OAL by 8-23-94 or emergency language will be repealed by operation of law on the following day.
4. Amendment of section and Note refiled 8-22-94 as an emergency; operative 8-22-94 (Register 94, No. 34). A Certificate of Compliance must be transmitted to OAL by 12-20-94 or emergency language will be repealed by operation of law on the following day.
5. Amendment of section refiled 12-22-94 as an emergency; operative 12-22-94 (Register 94, No. 51). A Certificate of Compliance must be transmitted to OAL 4-21-95 or emergency language will be repealed by operation of law on the following day.
6. Amendment of section refiled 6-29-95 as an emergency; operative 6-29-95 (Register 95, No. 26). A Certificate of Compliance must be transmitted to OAL by 10-27-95 or emergency language will be repealed by operation of law on the following day.
7. Amendment of section and NOTE refiled 10-26-95 as an emergency; operative 10-26-95 (Register 95, No. 43). A Certificate of Compliance must be transmitted to OAL by 2-23-96 or emergency language will be repealed by operation of law on the following day.
8. Certificate of Compliance as to 10-26-95 order transmitted to OAL 11-30-95 and filed 1-16-96 (Register 96, No. 3).

§66264.4. Enforcement Actions.

In addition to bringing an enforcement action pursuant to chapter 6.5 of division 20 commencing with section 25100 of the Health and Safety Code, the Department may take or secure actions pursuant to Health and Safety Code section 25358.3.

NOTE: Authority cited: Sections 208, 25150 and 25159, Health and Safety Code. Reference: Sections 25159, 25159.5, 25180.5 through 25196.6 and 25358.3, Health and Safety Code; 40 CFR Section 264.4.

HISTORY

1. New section filed 5-24-91; effective 7-1-91 (Register 91, No. 22).